

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER DALE GIBSON,

Plaintiff

v.

C-1-12-623

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 8) and plaintiff's objections thereto (doc. no. 11). On August 22, 2012, the Court issued a Deficiency Order requiring plaintiff to pay the full filing fee of \$350 or submit an application and affidavit for leave to proceed *in forma pauperis* within thirty (30) days of the date of the order. The Magistrate Judge concluded that that plaintiff has complied with the Deficiency Order to the extent that he has submitted the proper summons and United States Marshal forms and additional copies of the complaint for service purposes, however, although plaintiff has filed a

response rejecting the Deficiency Order as "unlawful" and challenging the undersigned's authority to issue that order (doc. no. 7), he has not complied with the Deficiency Order to the extent that he has neither paid the full filing fee nor submitted an *in forma pauperis* application, which are necessary to commence this action, within the requisite thirty-day period.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case.

Accordingly, the Court ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 8). Plaintiff's Complaint (doc. no. 1) is DISMISSED WITH PREJUDICE for lack of prosecution.

For the above reasons, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith. *See, McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). The Court therefore DENIES plaintiff leave to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit.

This case is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court